REMARKS

Claims 25-34 remain in this application., and have been amended to define still more clearly what Applicants regard as their invention, in terms which distinguish over the art of record. Non-elected Claims 1-24 and 35 have been canceled without prejudice or disclaimer of subject matter.

Claims 25, 28 and 32 are independent.

Claims 33 and 34 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Those claims have been carefully reviewed and amended (without narrowing of scope) as deemed necessary to ensure that they comply fully with the requirements of Section 112, and withdrawal of the rejection under that Section is respectfully requested.

Claims 25 and 28-34 were rejected under 35 U.S.C. § 103(a) as being obvious from unpatentable U.S. Patent 5,937,420 (Karow et al.), and Claims 26 and 27, as being obvious from that patent in view of U.S. Patent 6,504,545 (Browne et al.).

Initially, it is noted that there is no provision in the Patent Statute pursuant to which *Browne '545* would qualify as prior art against the present application. That patent issued on January 7, 2003, after the U.S. filing date of the present application, from an application that was filed only on March 29, 1999, after the November 27, 1998, and December 15, 1998, filing dates of Applicants' Australian priority applications, the required certified copies of which were filed in the U.S. patent and Trademark Office on January 23, 2000.[1/] Accordingly, Claims 26 and 27 should be deemed to be directed to allowable subject matter.

1/ Priority Acknowledgment is respectfully requested in the Examiner's next paper.

Independent Claim 25 is directed to a method of adjusting kerning for a pair of characters to be modified, where the pair of characters are members of a set of characters, and where a kerning value for each unmodified character pair in the set is known. As recited in Claim 25, there is estimated, independent of any characters in the set other than the pair of characters to be modified, an amplitude of the character modification in the kerning direction for each character of the pair, and a function is applied to each amplitude. The kerning value for the character pair is increased by substantially the sum of ~~said~~ the applied functions.

Among other important features of Claim 25 is that the method is one "of adjusting kerning for a pair of characters to the modified...said method comprising the steps of a estimating, independent of any characters in the set other than the pair of characters to be modified an amplitude of the character modification in the kerning direction for each character of the pair...".

This is supported by the example in the specification which states that "since the outline of the right-hand side of the character H has been moved to the right by a distance a, and the outline of the left-hand side of the character K has been moved to the left by a distance equal to the amplitude a, the new kerning value K should be increased over the original kerning value k_1 by twice the amplitude a" (page 10, lines 8-12, and Fig. 16).[2/] The determination of the new kerning distance in the noted example does not make reference to the attributes of any characters othe rthan the pair to be modified.

2/ It is to be understood that references to the specification are illustrative only, and that the scope of the claims is not to be limited by the details referred to, or by other details of the description.

Karow, in contrast, relates to a technique for determining spacing metrics for a s desired "output" point size by using interpolation of spacing metrics which are provided for two other point sizes. The two other point sizes are one being a "small point size not greater than the output point size", and one being a "different large point size not less than the output point size" (column 2, lines 13-24). *Karow* thus makes use of two other pairs of characters in order to determine spacing metrics for the desired "output" pair of characters. *Karow* neither discloses nor suggests *estimating, independent of any characters in the set other than the pair of* characters to be modified, an amplitude of the character modification in the kerning direction for each character of the pair, as recited in Claim 25. Accordingly, it is submitted that claim 25 is patentable over *Karow*.

Independent Claims 28 and 32 recite the same or equivalent features to those of Claim 25 that have just been discussed. It is thus submitted, for at least the above-noted reasons, that Claims 25 and 28 also are patentable over *Karow*.

A review of the other art of record has failed to reveal anything which, in Applicants' opinion, would remedy the deficiencies of the art discussed above, as references against the independent claims herein. Those claims are therefore believed patentable over the art of record.

The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

Lorna P. Diana

Attorney for Applicants

Registration No. 29,296

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200
NY_MAIN 3737671 v1